

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Proposed Vacation)
of a Portion of Bonneville Drive Near)
Scappoose, Oregon)
)
[Taylor Petition])

ORDER NO. 59-2001
(Finalizing Vacation Proceedings)

WHEREAS, pursuant to ORS 368.341(1)(b) the Board of County Commissioners for Columbia County, Oregon adopted Order No. 51-2001 initiating proceedings to vacate a certain easement comprised of a portion of Bonneville Drive near Scappoose, Oregon, pursuant to a petition filed with the Board by Michael T. and Virginia Taylor; and

WHEREAS, that easement comprised of a portion of Bonneville Drive proposed to be vacated is legally described as follows:

Beginning at the Northwest corner of Lot 6, Block 2, Columbia Acres Number 1, in Section 2 & 4, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, as per plat on file and of record in the Columbia County Clerk's Office; thence South 77°16'00" East, a distance of 248.14 feet to the Northeast corner of Lot 5, Block 2, Columbia Acres Number 1, thence North 01°59'00" West, a distance of 62.04 feet to the Southeast corner of Lot 1, Block 1, Columbia Acres Number 1; thence North 77°16'00" West, a distance of 240.00 feet to the Southwest corner of Lot 3, Block 1, Columbia Acres Number 1; thence South 05°29'44" West, a distance of 60.49 feet to the point of beginning;

And,

WHEREAS, pursuant to ORS 368.351, the Board may make its determination about the vacation of property without holding a hearing if: (1) the County Roadmaster files with the Board a written report that contains his assessment that the vacation would be in the public interest; and (2) the vacation proceedings were initiated by a petition under ORS 368.341 that contains:

"the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated. The petition must indicate the owners' approval of the proposed vacation";

and

WHEREAS, County Roadmaster, Dave Hill, has filed a report with the Board stating his assessment that the vacation of the described portion of Bonneville Drive would be in the public interest upon dedication of certain property as described below, said Roadmaster's report being attached hereto, labeled Exhibit A and incorporated herein by this reference; and

WHEREAS, a map of the area proposed to be vacated is attached hereto, labeled Exhibit B and incorporated herein by this reference; and

WHEREAS, the County Roadmaster has conditioned his recommendation that vacation of this property would be in the public interest upon the dedication of a portion of Tax Account No. 3224-024-04000 to the public for right-of-way and utility purposes, said property being necessary for drainage purposes; and

WHEREAS, Mr. And Mrs. Taylor have agreed to dedicate a portion of Tax Account No. 3224-024-04000 to the public for right-of-way and utility purposes, the legal description for said dedication being attached hereto, labeled Exhibit C and by this reference incorporated herein; and

WHEREAS, the Board finds that the petition for vacation meets the requirements of ORS 368.341 and contains the acknowledged signatures and owners' approval as required by ORS 368.351(2);

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Vacation of that easement comprised of a portion of Bonneville Drive generally described as lying between properties commonly known as Tax Account No. 3224-024-04000 and Tax Account No. 3224-024-05100, near Scappoose, Oregon, more particularly described as above and as shown in Exhibit B, is in the public interest.

2. The property described as above and depicted in Exhibit B **shall be vacated automatically, without further order, when the submission, acceptance and recording of a Dedication Deed by Mr. And Mrs. Taylor deeding the property described in Exhibit C to the public for right-of-way and utility purposes.**

3. This vacation is being made with a specific reservation of any existing right-of-way for utility easements.

4. Pursuant to Order No. 96-93, the following costs are due from this vacation and shall be deducted from the \$500.00 deposit paid by Michael and Virginia Taylor:

<u>SERVICE</u>	<u>FEE</u>	<u>SUBTOTAL</u>
Filing Petition by the Clerk	\$28.50	\$ 28.50
Review for Correct Property Description by County Surveyor [if required]	\$30.00 [per parcel]	\$ 00.00
Review by Other County Departments	\$175.00 [per single street or alley (or portion thereof)]	\$175.00
	\$50.00 [each additional street or alley (or portion thereof)]	\$00.00

Hearing (if required)	\$100.00	\$00.00
Recording Final Order by the Clerk	\$26.00 [first page]	\$26.00
	\$5.00 [each additional page x 7 pp.]	\$35.00
Two Certified Copies By the Clerk [one to Assessor, one to Surveyor]	\$3.75 [per copy x 2]	\$ 7.50
	\$00.25 [per page x 16 pp.]	\$4.00
Posting the Approved Road Vacation by County Surveyor	\$45.00 [per parcel]	\$45.00
	TOTAL OWED	\$321.00

5. The Clerk has already deducted the \$28.50 filing fee from the \$500.00 deposit, leaving a balance of \$471.50 in the trust account. The Clerk is hereby authorized to disburse the remainder of the deposit as follows:

COUNTY CLERK	:	\$ 72.50
COUNTY TREASURER	:	\$ 220.00
VIRGINIA TAYLOR	:	\$ 179.00
33125 Church Road		
Warren, OR 97055		

6. This order shall be recorded with the County Clerk, a copy inserted in the appropriate road jacket, and certified copies of it shall be filed with the County Surveyor and the County Assessor.

DATED this 11th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

APPROVED AS TO FORM:

By: John K. G. [Signature]
Office of County Counsel

By: not present
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

EXHIBIT A



Columbia County Road Department

P.O. Box 366, 1004 Oregon Street, St. Helens, OR 97051

Public Works Director

Phone (503) 397-5090

Fax 397-7215

COLUMBIA COUNTY

JUN 15 2001

TO: BOARD OF COUNTY COMMISSIONERS
c/o County Counsel's Office

COUNTY COUNSEL

FROM: David A. Hill

A handwritten signature in black ink, appearing to be "DA Hill", written over the printed name "David A. Hill".

DATE: June 14, 01

REF: Order No. 51-2001, Proposed Vacation of a portion of Bonneville Drive.

LOCATION: South and west of intersection of Bonneville Drive with HWY 30, bordered by tax lots 3224-024-04000 on the north side, 3224-024-05100 on the south side, Birch Ave on the west side, and HWY 30 on the east side.

RECOMMENDATION: Approve proposed vacation upon dedication of a portion of tax lot 3224-024-04000, and reservation of easements for existing utilities.

DISCUSSION: During the recent reconstruction of HWY 30, the alignment of Bonneville Drive was reconfigured to bring it to HWY 30 at a right angle, and directly across from Johnson Landing Road. Right-of-way / property was obtained by ODOT to do so, and construction was completed. Currently there exists the newly constructed Bonneville Drive to HWY 30, and the old right-of-way to the south, where access to the highway has been blocked and the right-of-way is no longer used.

The old right-of-way is bordered by tax lots 3224-024-04000 and 3224-024-05100, both under the ownership of the Taylor's. Tax lot -04000 is a lot with grass growing on it. It has a drainage grate in the east end which drains the water from Bonneville Drive under HWY 30.

The public no longer has need of the right-of-way covered by this vacation proposal. However, there is a need to maintain the road drainage system that comes down Bonneville Drive. Therefore, the vacation is conditioned upon the dedication of property (a portion of tax lot 3224-024-04000, as described in the survey report by Dewey Surveying, Inc.) to public right-of-way. Also, there are apparently utilities within the right-of-way proposed to be vacated and I recommend that we reserve an easement across the property, if it is vacated, for existing utilities.

I feel that it is in the best interest of the public and the local property owners to vacate this portion of Bonneville Drive provided that there is a dedication of a portion of tax lot -0400 as public right-of-way, and an easement be reserved for existing utilities.

David A. Hill



DEWEY SURVEYING, INC.

P.O. BOX 687 / 621 COLUMBIA BLVD.
ST. HELENS, OREGON 97051
OFFICE: (503) 397-2316
FAX: (503) 397-2415

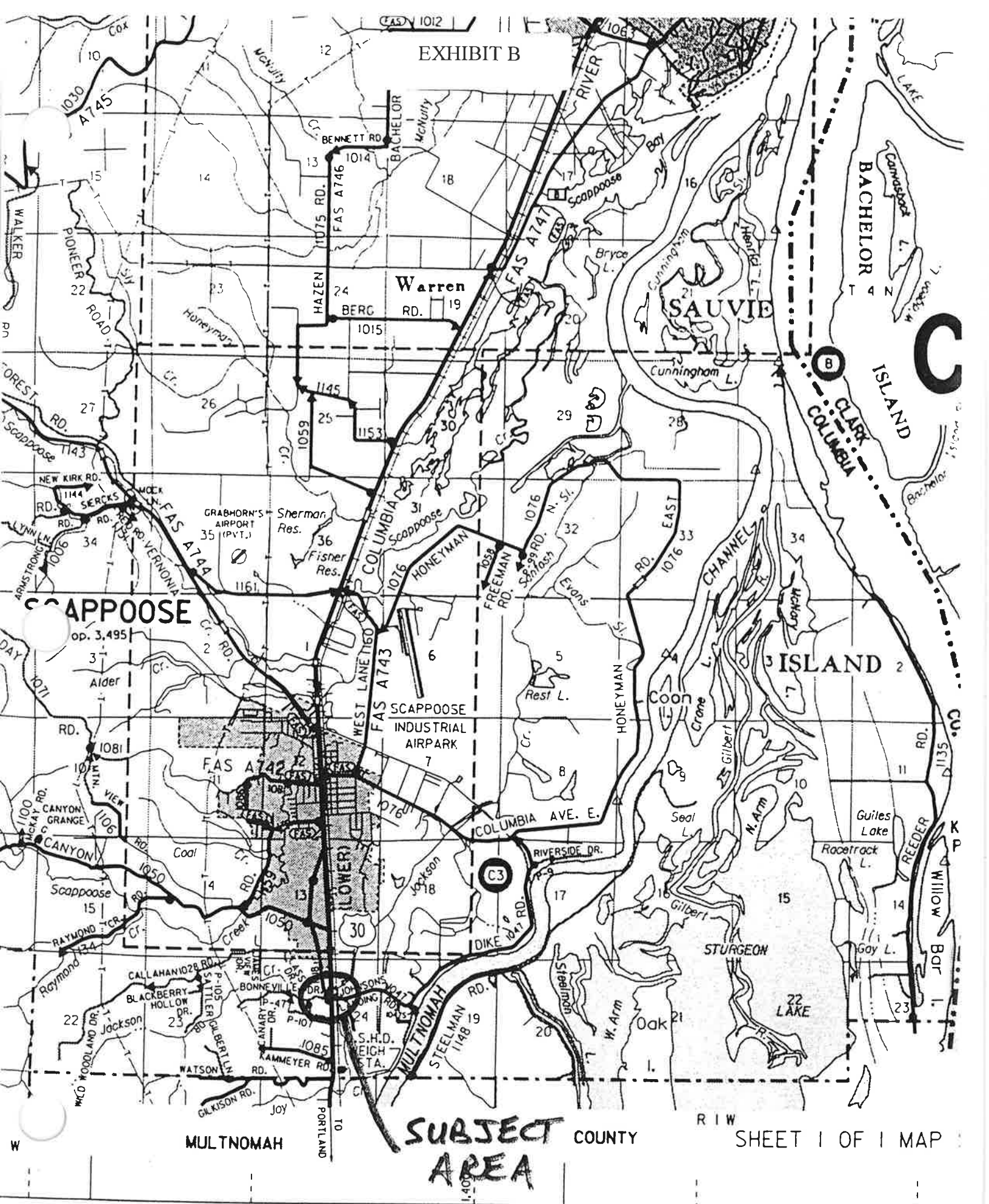
MIKE TAYLOR

LEGAL DESCRIPTION

APRIL 29, 2001

Beginning at the Northwest corner of Lot 6, Block 2, Columbia Acres Number 1, in Section 2 & 4, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon, as per plat on file and of record in the Columbia County Clerk's Office; thence South $77^{\circ}16'00''$ East, a distance of 248.14 feet to the Northeast corner of Lot 5, Block 2, Columbia Acres Number 1, thence North $01^{\circ}59'00''$ West, a distance of 62.04 feet to the Southeast corner Lot 1, Block 1, Columbia Acres Number 1; thence North $77^{\circ}16'00''$ West, a distance of 240.00 feet to the Southwest corner of Lot 3, Block 1, Columbia Acres Number 1; thence South $05^{\circ}29'44''$ West, a distance of 60.49 feet to the **point of beginning.**

EXHIBIT B



SUBJECT AREA

MULTNOMAH

COUNTY

R 1 W

SHEET 1 OF 1 MAP

122° 55'

122° 50'

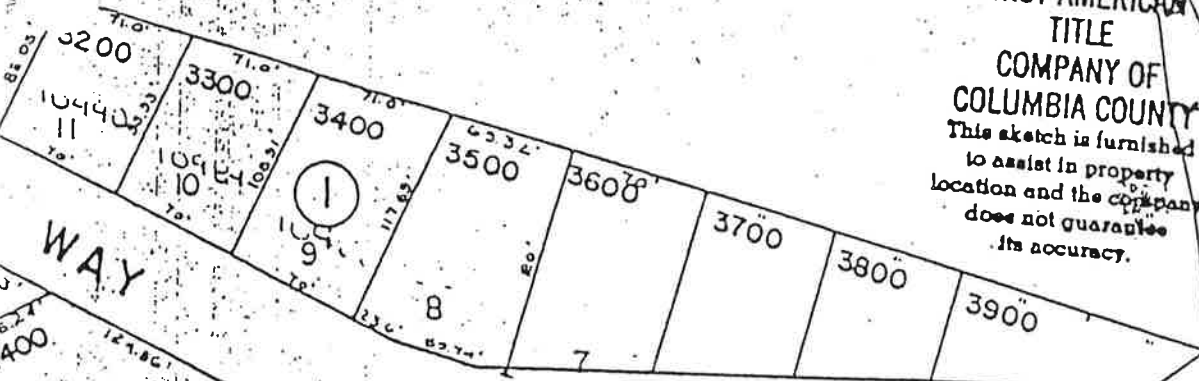
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COMPLIMENTS OF
FIRST AMERICAN
TITLE
COMPANY OF
COLUMBIA COUNTY
This sketch is furnished
to assist in property
location and the company
does not guarantee
its accuracy.

OLD HWY

SEE 3 2 24

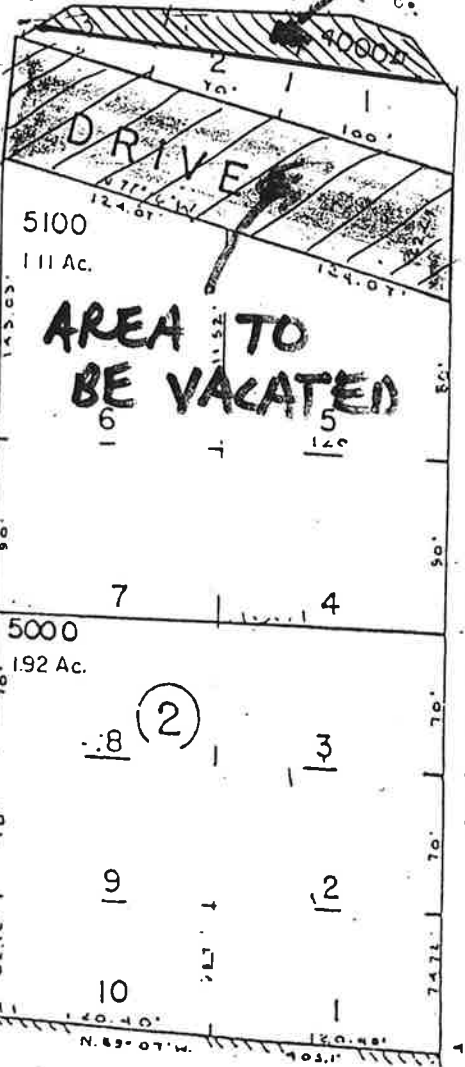


AREA TO
BE DEDICATE

BONNEVILLE

CHESTNUT AVE.

BIRCH AVE.



AREA TO
BE VACATED

COLUMBIA RIVER HIGHWAY

SEE 3 2 24

Road to be vacated shown in BLUE

EXHIBIT C

MIKE TAYLOR

DEDICATION DEED

MAY 14, 2001

That portion of Lot 1, 2, and 3, Block 1, Columbia Acres No. 1 in Section 24, Township 3 North, Range 2 West as per plat on file and of record in the Columbia County Clerk's Office, lying Northerly of the following described line on the Southerly side of the relocated Bonneville Drive; beginning at Engineer's centerline Station "BD" 10+00, said station being 2998.48 feet North and 320.26 feet West of the Southeast corner of the Thomas Jackson Donation Land Claim No. 44, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence South 89°29'41" West 75.00 feet to Engineer's centerline Station "BD" 10+75; thence South 00°30'19" East, 60.00 feet to the **true point of beginning** of the line herein described; thence North 85°25'32" West, a distance of 225.89 feet to a point which is South 00°30'19" East, 40.00 feet from Engineer's centerline Station "BD" 13+00 and the end of said line.